

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED
NOV 01 2016
Clerk, U.S. District Court
District Of Montana
Missoula

In re:

STEVEN VINCENT SANN,

Debtor.

CV 16-113-M-DLC

ORDER

CHRISTY L. BRANDON, as Chapter 7
Trustee of the Estate of Steven Vincent
Sann,

Appellee/Plaintiff,

vs.

MICHAEL J. SHERWOOD, and
MICHAEL J. SHERWOOD, P.C.,

Appellants/Defendants.

Appellee Christy L. Brandon, Chapter 7 Trustee for the bankruptcy estate of Debtor Steven Vincent Sann, moves to strike Appellants Michael J. Sherwood and Michael J. Sherwood, P.C.'s opening brief, which totals 13,529 words, for failure to comply with the word limits for briefs in a bankruptcy appeal. Appellants have subsequently responded and move the Court for clarification about whether the 6,500 word limit in Standing Order Number 12 (Revised) applies. In the

alternative, if the 6,500 word limit does apply, Appellants move for either leave to file an oversized brief or an extension to file the opening brief within the 6,500 word limit. Appellee opposes the filing of an oversized brief, but would not oppose the requested extension.

First, the Court finds that Standing Order Number 12 (Revised) applies. This Order clarified that although the Federal Rules of Bankruptcy Procedure allow for greater word limits in bankruptcy appeals, word limits for bankruptcy appeals in this District would mirror the limits imposed in this District Local Rules.

Next, Appellants request that they be allowed to file an oversized brief because of the complexity of this case. The Court is familiar with this case and agrees that it is complex. As such, the Court will allow Appellants to file an oversized opening brief and deny Appellee's motion to strike. However, the Court will set the word limit at 10,000 words and order Appellants to file their opening brief on or before November 4, 2016. The Court cautions Appellants that if it intends on filing oversized briefs in the future, it move for leave well in advance of the filing deadline. Finally, the parties have filed a joint motion to stay the briefing schedule in this case until the Court resolves the word limit issue.

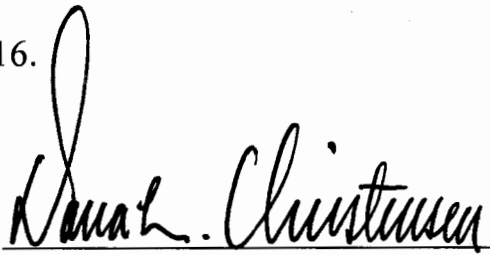
Because this Order resolves the word count dispute, the Court will deny the joint motion to stay as moot.

IT IS ORDERED that Appellee's Motion to Strike (Doc. 12) is DENIED.

IT IS FURTHER ORDERED that Appellants' Motion for Leave to File Excess Pages Regarding Opening Brief Word (Doc. 14) is GRANTED in part and DENIED in part. Appellants shall their opening brief on or before November 4, 2016, with a word limit of 10,000 words.

IT IS FURTHER ORDERED that the Joint Motion to Stay (Doc. 16) is DENIED as moot.

Dated this 1st day of November, 2016.


Dana L. Christensen, Chief Judge
United States District Court